THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 2187 of 2006

Dated: 8.08.2007

Between:

P. Vidyanadham S/o Late Sri Neelakanta Rao.

.... PETITIONER

AND

The Government of A.P. rep by its Principal Secretary, Panchayatraj and Rural Employment Department and two others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 2187 of 2006

Order:

By this writ petition, the petitioner seeks to direct the respondents to drop the charges framed against him vide charge memo dated 02.09.2000 and to release the pension and other benefits with interest.

The petitioner, while working as Mandal Parishad Development Officer, Thripuraram of Nalgonda District, was issued a charge memo dated 02.09.2000 alleging that during the year 1991-1992 certain teaching and non-teaching staff of Panchayat Raj Department have made false and fake Leave Travel Concession (LTC) claims, and that he is solely responsible for sanction of LTC permission and also passing the TA bills without conducting proper scrutiny and caused loss to the Government to a tune of Rs.2,97,431/-. Thereafter, the Zilla Parishad, Nalgonda, issued proceedings dated 16.09.2000 directing the petitioner to recover the LTC advance amount from the pay and allowances of the individuals in three equal instalments commencing from the month of September 2000, and on receipt of the said proceedings, the petitioner commenced recoveries from the employees concerned by issuing necessary circulars to them, and he also submitted a detailed reply on 17.09.2000 to the charge memo issued to him. The petitioner states that he retired from service on 31.10.2000 and by the date of his retirement, he had recovered Rs.60,272/- from the employees, and the remaining amount has to be recovered by the MPDOs concerned under whom the employees are working. Now the grievance of the petitioner is that though the charges were framed as long back as in the year 2000, but

so far no enquiry is conducted, and even though he retired from service long back, no retiral benefits were paid to him by the respondents on the ground that an enquiry is pending against him, which is illegal and arbitrary. Hence, he filed the present writ petition.

A counter affidavit is filed by the Deputy Secretary, Panchayat Raj Department.

In view of the stand taken by the respondents, at page four of their counter affidavit, that the Government have dropped issuance of show cause notices to the employees in connection with L.T.C. claims during the year 1991-92 pertaining to Nalgonda District, the learned counsel for the petitioner submitted that the respondents have to drop the charges framed against the petitioner also and release the pensionary benefits to him. Considering the stand taken by the respondents, this Court, on 03.08.2007, directed the respondent-Government to file additional counter affidavit indicating their stand as to whether they are interested to proceed with the matter or not.

In response to the said directions, an additional counter affidavit is filed by the Deputy Secretary, Panchayat Raj Department stating that in the earlier counter affidavit the word “dropped” was wrongly typed instead of “stopped temporarily”, and that the Government have not dropped the proceedings completely and is taking all steps to complete the enquiry and to take further action on the employees who availed the benefit of LTC fraudulently in Nalgonda District during the year 1991-1992. It is further stated that the 1st respondent, by Memo dated 06.08.2007, directed the Commissioner of Panchayat Raj and Rural Employment to continue the disciplinary action and conclude the same within two months and furnish the report to the Government for further action.

Inasmuch as the 1st respondent, by Memo dated 06.08.2007, directed the Commissioner of Panchayat Raj and Rural Employment to

continue the disciplinary action and conclude the same within two months and furnish the report to the Government for further action, without keeping the writ petition pending any further, I deem it appropriate to dispose of the writ petition with the following directions:

The respondents are directed to complete the enquiry and pass final orders in the matter within two months from today. In the event, if the respondents fail to complete the enquiry and pass any orders on the enquiry within the said period, then they shall release all the retrial benefits which the petitioner is entitled to. No costs.

Accordingly, the writ petition is disposed of. No costs.

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N.V. RAMANA, J.

Date: 8.08.2007
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